

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CHARLES DONALD MEEKS and
VIVIAN JUNE MEEKS,
ADMINISTRATORS OF THE ESTATE OF
JAMES RICHARD ANDERSON,

Plaintiffs,

v.

PHILIP O. EMIABATA,

and

PHILIP O. EMIABATA and SYLVIA
EMIABATA d/b/a NOVA EXPRESS,

Defendants.

Civil Action No.: 7:14cv00534

By: Elizabeth K. Dillon
United States District Judge

ORDER

In accordance with the memorandum opinion entered this day, it is ORDERED that defendants' motion to dismiss is GRANTED IN PART and DENIED IN PART. With the consent of plaintiffs, the motion is GRANTED as to count I of the complaint, which is hereby DISMISSED. As to the motion to dismiss plaintiffs' request for punitive damages under Rule 12(b)(6), the motion is DENIED as premature.

The Clerk is directed to send a copy of this order to all counsel of record.

Entered: April 13, 2015.

Elizabeth K. Dillon
United States District Judge